

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

SOPHIA M. PHILLIPS, )  
                          )  
Plaintiff,            )  
                          )  
v.                     ) CASE NO. 1:07-cv-1135-DFH-TAB  
                          )  
                          )  
NIGHTINGALE HOME HEALTHCARE, )  
INC.,                    )  
                          )  
Defendant.            )

ORDER

Defendant's motion for summary judgment is denied on plaintiff's claims of sex and age discrimination and the state law claim for wages, and granted on the Fair Labor Standards Act claim. Plaintiff's testimony about Dr. Brer's statements to her would allow, though not require, a reasonable jury to conclude that defendant's actions were motivated by sex and/or age. Defendant's attempt to explain away the comments as benign or as "stray remarks" might present a jury question, but at the summary judgment stage, plaintiff is entitled to the benefit of any reasonable inferences in her favor. Plaintiff concedes that defendant is entitled to judgment on the Fair Labor Standards Act claim.

So ordered.

Date: December 19, 2008



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DAVID F. HAMILTON, CHIEF JUDGE  
United States District Court  
Southern District of Indiana

Copies to:

Denise K. LaRue  
HASKIN LAUTER & LARUE  
dlarue@hlllaw.com

Jennifer S. Milligan  
NIGHTINGALE HOME HEALTHCARE  
jmilligan@homecareforyou.com

Bradley L. Wilson  
HASKIN LAUTER & LARUE  
bwilson@hlllaw.com